

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

BEBARS BASLAN,
Defendant.

NOTICE OF
DEFENDANT
BASLAN'S
POST-TRIAL
MOTIONS
13 CR 220 (RJD)

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PLEASE TAKE NOTICE that the defendant Bebars Baslan, hereby moves this Honorable Court for the following post-trial relief, to be heard on a date determined by the Court, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, N.Y. 11201, in Courtroom 10A, before the Honorable Raymond J. Dearie, Senior United States District Judge :

- 1) Dismissal with prejudice, pursuant to Fed. R. Crim. P. 29 (c) and the "Cruel and Unusual Punishments" prohibition of the Eighth Amendment, of the Travel Act charge in Count One and his conviction of that charge, on the grounds that the 30-year mandatory-minimum sentence prescribed by the travel Act is so grossly disproportionate in Baslan's case to far less severe

punishments meted out for considerably greater offenses to much more culpable offenders as to offend the constitutional protection against uneven and disparate sentencing:

- 2) Vacatur of the convictions on the remaining counts, pursuant to Fed. R. Crim. P. 33 and the Sixth Amendment's guarantee that a criminal defendant has the right to be represented at trial by counsel free of governmental intrusion, pursuant to the Massiah rule, on the grounds that the pretrial injection by the government of a "spy-in-the camp" jailhouse informant resulted in the government's improper elicitation of the defense strategy from Baslan, thereby giving it an undue advantage at the trial, or alternatively, for a post-trial Massiah evidentiary hearing whereby a full record can be developed on which the Court can confidently determine whether a new trial is warranted.
- 3) Such additional relief, based on his post-trial motions, as the Court deems necessary and appropriate.

Dated: New York, New York
October 13, 2014

Respectfully submitted,

Ephraim Savitt, Esq.
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Cc: Clerk of the Court (RJD)
All counsel (by ECF)